

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:20 CV 213 MR WCM

KATHERINE DROLETT,

Plaintiff,

v.

ANTHONY BRIAN ROBINSON,
ONESPA WORLD RESORT SPAS (NORTH
CAROLINA), INC. *doing business as*
Mandara Spa, STEINER MANAGEMENT
SERVICES, LLC

Defendants.

ORDER

This matter is before the Court on:

- 1) Motion to Compel Plaintiff's Rule 35 Examination and Incorporated Memorandum of Law filed by Defendants OneSpaWorld Resort Spas (North Carolina), Inc. doing business as Mandara Spa ("OneSpaWorld") and Steiner Management Services, LLC ("Steiner") (collectively, the "Spa Defendants") (the "the Spa Defendants' Motion for IME," Doc. 72).
- 2) Motion to Compel and Expedite Plaintiff's Response and Incorporated Memorandum of Law ("the Spa Defendants' Motion to Compel," Doc. 73).
- 3) Plaintiff's Motion for Leave to File Documents under Seal (the "Motion to Seal," Doc. 84).

A status conference, as well as a hearing on the Motion to Seal and the Spa Defendants' Motion for IME and Motion to Compel, was conducted on December 21, 2021. The Court ruled orally on the Spa Defendants' Motion to Compel and the Motion to Seal. This Order memorializes those rulings.

Additionally, following argument regarding the Spa Defendants' Motion for IME, the undersigned took that Motion under advisement.

Finally, during the status conference, the undersigned inquired regarding Plaintiff's Motion to Compel (Doc. 78), which was filed on December 15, 2021. Counsel for Steiner advised that Steiner wished to file a written response to Plaintiff's Motion to Compel. Accordingly, briefing on this Motion will proceed in the normal course, and Steiner was instructed to submit the documents Plaintiff seeks to obtain for *in camera* review contemporaneously with the filing of Steiner's response to the Motion to Compel.

IT IS THEREFORE ORDERED that:

- 1) As counsel for the Spa Defendants and Plaintiff advised that the Motion to Compel and Expedite Plaintiff's Response and Incorporated Memorandum of Law (Doc. 73) has been resolved, that Motion is **DENIED AS MOOT**.
- 2) Considering the requirements of Local Civil Rule 6.1, as well as the representations of counsel during the December 21, 2021 hearing, Plaintiff's Motion for Leave to File Documents under Seal (Doc. 84) is **GRANTED IN PART AND DENIED IN PART** as follows:
 - a. With respect to Doc. 84-1, the Motion to Seal is **GRANTED**, and this document shall remain sealed on the docket. However, Plaintiff **SHALL FILE**, on or before **December 29, 2021**, a redacted version of this document to appear on the public record, removing the names and personal identifying information of the client and alleged assailant. If Plaintiff does not file a redacted version of this document by December 29, 2021, the unredacted version will be unsealed.
 - b. With respect to Docs. 84-2 and 84-3, the Motion to Seal is **GRANTED**, and these documents shall remain sealed on the docket. However, Plaintiff **SHALL FILE**, on or before **December**

29, 2021, redacted versions of these documents to appear on the public record, removing personal identifying information of the client and alleged assailant. If Plaintiff does not file redacted versions of these documents by December 29, 2021, the unredacted versions will be unsealed.

- c. With respect to Doc. 84-4, based on the Spa Defendants' withdrawal of the confidential designation associated with this document, and for the reasons otherwise discussed during the December 21, 2021 hearing, the Motion to Seal is **DENIED AS MOOT**, and the Clerk is respectfully instructed to **UNSEAL** Doc. 84-4.
- 3) Contemporaneously with Steiner's response to Plaintiff's Motion to Compel (Doc. 78), Steiner **SHALL SUBMIT**, *in camera*, the documents that are the subject of the Motion to Compel.

Signed: December 21, 2021



W. Carleton Metcalf
United States Magistrate Judge

